

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jun 04, 2021**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Antonio Aguilar Case Number: 0980 4:14CR06041-EFS-2
Address of Offender: Washington 98944
Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge
Date of Original Sentence: November 16, 2015
Original Offense: Conspiracy to Distribute a Controlled Substance: Cocaine, 21 U.S.C. § 846
Original Sentence: Prison - 63 months Type of Supervision: Supervised Release
TSR - 48 months
Revocation Sentence: Prison - 22 days
(10/06/2020) TSR - 35 months
Revocation Sentence: Prison - 4 months
(02/22/2021) TSR - 31 months
Asst. U.S. Attorney: Richard Burson Date Supervision Commenced: April 8, 2021
Defense Attorney: Craig Webster Date Supervision Expires: November 7, 2023

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 04/23/2021.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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3	<u>Mandatory Condition #1:</u> You must not commit another federal, state, or local crime.
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Supporting Evidence: Mr. Aguilar is considered to be in violation of his supervised release conditions by unlawfully possessing a firearm on May 24, 2021.

On April 16, 2021, Mr. Aguilar reported by telephone to the probation office and spoke with U.S. Probation Officer Mendoza, at which time the judgment and sentence, which outlined the conditions of his term of supervised release, were reviewed with him. Mr. Aguilar acknowledged his understanding of his supervised release conditions.

Per Yakima County Sheriff's Office (YCSO) incident report number 21C08280, on May 24, 2021, at approximately 12 p.m., deputy Hull was working for the YCSO as a member of the

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Pacific Northwest Violent Offender Task Force (VOTF). Deputy U.S. Marshal (DUSM) Chris Smith received information Mr. Aguilar was residing at 405 Ahtanum Avenue, apartment A in Wapato, Washington 98952. DUSM Smith and Washington State Department of Corrections (DOC) Community Corrections Supervisor (CCS) Martin also received information that Ruby Davila was residing at this residence. Records showed that Ms. Davila had an active felony warrant for second degree escape. Members of the task force went to the listed address in Wapato to attempt to locate Antonio Aguilar. A record's check showed Mr. Aguilar (date of birth: 1/17/1990) had a felony U.S. Marshals warrant for probation violations.

Members of the VOTF set up surveillance on the listed address. Ms. Davila was observed going into the listed address. After a short time, task force members observed Mr. Aguilar exit the residence and get into the driver's side of a white Chevy Malibu, Yakama Nation license plate 6770. Deputy Hull approached the offender's vehicle from the rear with his vehicle. Mr. Aguilar backed into deputy Hull's vehicle. As he did, deputy Hull eased on the accelerator to keep positive contact with his bumper and attempt to pin his vehicle. Mr. Aguilar attempted to accelerate forward and backward, but deputy Hull kept positive contact with his rear bumper and DUSM Smith had positive contact with the front of Mr. Aguilar's vehicle; they were able to keep the vehicle from moving. After Mr. Aguilar's vehicle was immobilized, deputy Hull then exited his vehicle and provided scene security to the other officers that were contacting Mr. Aguilar.

Approximately eight subjects exited the listed residence. Deputy Hull was tasked with identifying the subjects and checking for wants. Records checks showed that all of the subjects had prior felony convictions and three had felony DOC warrants. Members of the task force assisted DOC entering the residence and found Ms. Davila hiding in a bedroom. CCS Martin questioned Ms. Davila. Ms. Davila admitted she lived at the listed residence and had recently used controlled substances. DOC specialists Gonzalez and Cervantes performed a DOC search of Ms. Davila's room and common areas of the residence. Specialist Gonzalez advised the following items were located: three pistol holsters; an empty Ruger gun box; .45 caliber ammunition; a camouflage bag with shotgun shells; a black AR-15 rifle magazine with ammunition; several other rifle bullets; approximately 30 blue fentanyl pills (Mexis); and what appeared to be a drug ledger. Ms. Davila's Washington State identification was also on the bed where the above items were located.

Specialist Gonzales showed deputy Hull the ledger that was located. Deputy Hull observed names, weights in grams and amounts owed. Based on his training and experience, the ledger was what dealers of controlled substances commonly use to track sales and who owes them money. He also knows, based on his training and experience, that 30 fentanyl pills is far more than personal use. The typical user commonly has between 1 and 5 pills in their possession. Based on the above information, deputy Hull believed Ms. Davila was selling narcotics. Also, Ms. Davila's criminal history showed she had 12 felony convictions, including a third degree assault conviction on June 19, 2018, and a condition she could not legally possess any firearms.

Ms. Davila admitted the vehicle Mr. Aguilar tried to leave the residence in (Yakama Nation license place 6770) belonged to her. CCS Martin advised he was going to perform a DOC search on Ms. Davila's vehicle due to her DOC conditions and her admitted violations. CCS Martin then pointed to a small firearm that was just to the left of the driver's seat where Mr.

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Aguilar had been sitting. Deputy Hull observed what appeared to be a black Ruger possibly .380 caliber pistol between the driver's seat and door. The DOC search of the vehicle was then stopped. A criminal history check on Mr. Aguilar showed he had two felony convictions, including a first degree unlawful possession of a firearm on February 19, 2010, and cannot legally possess a firearm.

The homeowner of the listed address, Jerred Dane King, advised YCSO Sergeant (Sgt.) Tucker, post Miranda, that he observed three pistols and an AR-15 rifle inside the residence. Mr. King advised he did not know where the pistols were but that the AR-15 was under his bed. Mr. King advised that Mr. Aguilar gave him the AR-15 rifle to hide, and he did. A criminal history check on Mr. King showed he had five felony convictions.

Based on the above information, Sgt. Tucker asked that deputy Hull write a search warrant for the vehicle with Yakama Nation license plate 6770 and the residence located at 405 Ahtanum Avenue, apartment A in Wapato.

On May 25, 2021, at approximately 4:23 p.m., Yakima County Superior Court commissioner found probable cause and authorized deputy Hull to affix the commissioner's name to the warrant. The deputy was then asked by Sgt. Tucker to amend the search warrant to include the video surveillance (DVR) from the residence. On May 25, 2021, at approximately 5:11 p.m., Yakima County Superior Court Judge Richard Bartheld amended the search warrant to include the DVR. Deputy Hull then served the search warrant on the homeowner, Mr. King. Mr. King advised he did not need the deputy to read the search warrant to him and that he could read it himself. Members of the VOTF executed the warrant on the house and vehicle. Deputy Hull left a copy of the warrant, amended warrant and receipt of property taken with Mr. King. Deputy Hull gave Sgt. Tucker a copy of the warrant to place it inside the vehicle. Deputy Hull took possession of all of the items seized and transported them to the YCSO where he placed them into a secured evidence locker. Sgt. Tucker assisted him with logging all of the items into evidence. A copy of the warrant and items seized was returned to the courts. Mr. Aguilar's mother, Maritona Bustos, arrived at this location and advised that she had loaned her gray Dodge Neon (AJY0135) to Mr. Aguilar. Ms. Bustos gave permission to search her vehicle and signed the voluntary permission to search form. The vehicle was searched. Deputy Hull located a small CO2 pistol and a red dot sight for a firearm, but no items were seized from the vehicle. Ms. Bustos was given a copy of the search form and the vehicle was released to her.

Mr. Aguilar was booked into the Yakima County Jail and the request to charge Mr. Aguilar was forwarded to the United States Attorney's Office.

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Standard Condition #8: You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting permission of the probation officer.

Supporting Evidence: Mr. Aguilar is considered to be in violation of his supervised release conditions by interacting with Ruby Jo Davila, a convicted felon on May 24, 2021.

On April 16, 2021, Mr. Aguilar reported by telephone to the probation office and spoke with U.S. Probation Officer Mendoza, at which time the judgment and sentence, which outlined

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the conditions of his term of supervised release, were reviewed with him. Mr. Aguilar acknowledged an understanding of his supervised release conditions.

As stated in violation 3, Mr. Aguilar was arrested at the home of Ms. Davila, a known felon engaged in criminal activity to include being on escape status with DOC.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 4, 2021

s/Arturo Santana

Arturo Santana

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

June 4, 2021

Date